

In view of the foregoing, Applicants respectfully request that the Examiner reconsider and withdraw this rejection as well. An early notice that this rejection has been reconsidered and withdrawn is earnestly solicited.

Claims 10-16 were rejected under 35 USC § 112, first paragraph, as being broader than the enabling disclosure in embracing compounds wherein heteroaryl is a 7 to 10-membered ring. In response, Applicants point out that examples of species meeting this definition are set forth at page 6, lines 18-19, namely indolyl, indazolyl, benzofuranyl, benzothiophenyl, quinolinyl or isoquinolinyl. Further, the presence or absence of working examples is only one factor to be taken into consideration in determining enablement. The Examiner has given no reason, other than the absence of working examples, why a person skilled in the art should not be able to practice the full scope of the invention as claimed. Indeed, the Examiner takes the position in connection with the obviousness rejection that the choice of heteroaryl would not be expected to affect the course of the reaction. This is completely at odds with the notion that the heteroaryl group is somehow critical, thereby requiring working examples in order for a person skilled in the art to practice the invention. In the absence of such reason, the Examiner has not made out a *prima facie* case of lack of enablement.

Respectfully, this rejection is untenable, and Applicants respectfully request that the Examiner reconsider and withdraw it as well. An early notice that this rejection has been reconsidered and withdrawn is earnestly solicited.

Claims 10-16 were rejected under 35 USC § 112, first paragraph, as being broader than the enabling disclosure in embracing compounds wherein W is CN. In response, Applicants point out that Example 3 at the bottom of page 21 describes an example wherein W = CN.

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Moreover, as noted above, the presence or absence of working examples is only one factor to be taken into consideration in determining enablement. The Examiner has given no reason, other than the absence of working examples, why a person skilled in the art should not be able to practice the full scope of the invention as claimed. In the absence of such reason, the Examiner has not made out a *prima facie* case of lack of enablement.

Respectfully, this rejection is untenable, and Applicants respectfully request that the Examiner reconsider and withdraw it as well. An early notice that this rejection has been reconsidered and withdrawn is earnestly solicited.

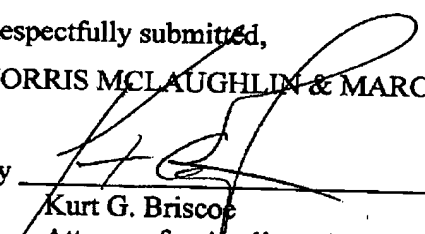
Applicants believe that the foregoing constitutes a bona fide response to all outstanding objections and rejections.

Applicants also believe that this application is in condition for immediate allowance. However, should any issue(s) of a minor nature remain, the Examiner is respectfully requested to telephone the undersigned at telephone number (212) 808-0700 so that the issue(s) might be promptly resolved.

Early and favorable action is earnestly solicited.

Respectfully submitted,  
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By



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